

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
DECEMBER 6, 1972

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, December 6, 1972, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - HUGHES (arrived 8:03 p.m.)
KATNICH, PINKERTON,
SCHAFFER and EHRHARDT (Mayor)

Absent: Councilmen - None

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen, Planning Director Schroeder and Public Works Director Jones.

INVOCATION The invocation was given by Mayor Ehrhardt

PLEDGE Mayor Ehrhardt led the Pledge of Allegiance to the flag.

MINUTES On motion of Councilman Pinkerton, Schaffer second, the Minutes of November 15, 1972, were approved as written and mailed.

Councilman Hughes arrived.

On motion of Councilman Katnich, Schaffer second, the Minutes of November 21, 1972, were approved as written and mailed.

PLANNING COMMISSION

ACTIONS OF
INTEREST

1. Set for Public Hearing on December 18, 1972, the request of Mr. Lindsay P. Marshall on behalf of Grand Auto, Inc. requesting initiation of a Zoning Ordinance amendment which would permit enclosed car washes with a Use Permit in conjunction with gas service stations in the C-1, Neighborhood-Commercial District.
2. Set for Public Hearing on December 18, 1972, consideration of a Zoning Ordinance Amendment which would increase the maximum permitted sign area for professional offices in the C-P, Commercial-Professional District.
3. Approved the request of Service Laundry for a Variance to increase the maximum permitted overhang for a sign in the C-1, Neighborhood Commercial District from 1 foot to 3 feet to permit the reinstallation of a time and temperature sign at 712 West Lodi Avenue.

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4. Denied the request of Mr. Glenn Schimke for a Variance to increase the maximum permitted fence height in a required street side yard from 42 inches to 6 feet to permit the erection of a 6-foot-high fence at 321 North School Street in an area zoned R-HD, Residential High Density District.
5. Recommended denial of the request of Marine Realty on behalf of Mr. Dan Parises for a Use Permit for a 209-unit mobilehome park on the east side of U.S. 50-99 Frontage Road, from 76 feet to 941 feet south of Hogan Lane, south of Lodi in an area zoned I-PA, Interim-Protected Agriculture and GA-5, General Agriculture.

In connection with this matter, the Commission instructed the Staff to prepare a letter to the San Joaquin County Planning Commission commenting in depth on the Environmental Impact Report that had been prepared for this project.

6. Continued until Monday, December 4, 1972, a consideration of the San Joaquin County Planning Commission initiated rezoning from I-PA, Interim-Protected Agriculture to M-1, Light Industrial; M-2, Heavy Industrial; C-M, Commercial Manufacturing; R-2, Single Family Residential; R1-8, Single Family Residential; and GA-20, General Agriculture District for an area generally bounded on the north by Kettleman Lane (State Route 12); on the west by S. P. R. R. and City Limits of Lodi; on the east by State Route 99 and City Limits of Lodi; on the south by a line approximately 600' south of Harney Lane.

ACTIONS OF
INTEREST

The City Manager gave the following report of the Planning Commission meeting of December 4, 1972:

1. Accepted the Environmental Impact Report - River Oaks Subdivision - a 17.7-acre tract on the north side of Edgewood Drive at Lakewood Drive. In accepting this Report, the Commission determined that the project would have no significant environmental impact.
2. Continued until December 18, 1972, the request of Mr. Elmer Brenning for a Variance to permit the erection of a patio cover in the rear courtyard of a townhouse condominium unit in Town and Country Village, Planned Development District No. 1, southeast corner of West Turner Road and Rutledge Drive.
3. Continued until December 18, 1972, consideration of the San Joaquin County Planning Commission initiated rezoning from I-PA, Interim-Protected Agriculture to M-1, Light Industrial; M-2, Heavy Industrial; C-M, Commercial Manufacturing; R-2, Single Family Residential; R1-8, Single Family Residential; and GA-20, General Agriculture District for an area generally bounded on the north

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by Kettleman Lane (State Route 12); on the west by S. P. R. R. and City Limits of Lodi; on the east by State Route 99 and City Limits of Lodi; on the south by a line approximately 600' south of Harney Lane.

4. Directed the Staff to schedule Public Hearings after January 1, 1973, for the purpose of reviewing the status of certain inactive Commercial-Shopping Center and Planned Development Districts.

COMMUNICATIONS

ABC LICENSE

Applications for alcoholic beverage license were received as follows:

1. Bennie O. and Gertrude E. Meidinger, Plaza Liquors, 429-B West Lockeford Street, person-to-person transfer, off-sale general.
2. Billy Joe Long, The Nashville Club, 118 North Sacramento Street, new license, on-sale beer.

CLAIM FOR PERSONAL INJURIES

The Claim for Personal Injuries of Kipp Loren Smith and Ferne E. Smith, as mother and sole heir at law of Jan Patrick Smith, in the sum of \$3,500,000.00 was presented to the City Council. On motion of Councilman Katnich, Hughes second, the claim was rejected for being filed too late and referred to the City Attorney.

RECYCLING PROGRAM

A letter was received from Lodi Ecology Action requesting the Council to permit the Sheltered Opportunity Skills Center in Stockton to operate the recycling center located in the Quonset Hut on a trial basis for three months.

Mrs. Nancy Engelson, 301 North Crescent Avenue, representing Lodi Ecology Action, was in the audience and addressed the Council concerning the request. Mrs. Engelson felt it would be good to have a stable, on-going group such as the sheltered Opportunity Skills Center to operate the center and she recommended the Council approve the request. She said Lodi Ecology Action hoped to turn the entire operation over to the Sheltered Opportunity Skills Center at the end of the three-month period if the operation is successful.

Mrs. Marie White, Executive Director of the Association for Retarded, spoke concerning the request. She explained that the Sheltered Opportunity Skills Center was a division of the San Joaquin Association for Retarded Children, Inc., and it was a non-profit community program developed to serve the adult retarded population of San Joaquin County. Mrs. White said they wished to operate the center for a period of three months and at the end of the three months they would evaluate the program.

City Attorney Mullen asked Mrs. White if the organization was covered by liability insurance and if the City of Lodi would be named additional assured. Mrs. White responded that the organization did have proper coverage and the City would be named as additional assured.

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After discussion, on motion of Councilman Katnich, Hughes second, the Council approved the request of Lodi Ecology Action and the Sheltered Opportunity Skills Center to permit Sheltered Opportunity Skills Center to operate the recycling center located in the Quonset Hut for a three-month trial period.

SAFETY-
GARFIELD
SCHOOL

A letter was received from members of the Garfield School staff stating their concern for the safety of children attending the school. The letter suggested a pedestrian activated signal be installed on Cherokee Lane and that adequate sidewalk also be installed in that area.

FEDERAL SIGN
& SIGNAL
APPEAL DENIED

The City Manager presented a letter of appeal received from Mr. C. R. Kurtz, Sales Representative for Federal Sign and Signal Corporation, 536 North Wilson Way, Stockton. The appeal concerned the Planning Commission's denial of the Vineyard's request to increase the maximum permitted right-of-way overhang for a sign in the C-2, General Commercial District from 6 feet to 9 feet to permit a sign to remain at 725 South Cherokee Lane. Mr. Graves explained that the letter of appeal was received by the City Clerk on November 21, 1972, however, in order to comply with the time limitation set forth in Section 27-15 of the Lodi City Code, the letter should have been received no later than November 20, 1972. The Council then, on motion of Councilman Katnich, Pinkerton second, denied the appeal on the basis that it did not comply with the time limitation set forth in the Lodi City Code.

DRUG
ORDINANCES

Mayor Ehrhardt reported he had received correspondence from the City of Los Angeles concerning the two drug abuse ordinances recently adopted by the City Council.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$338,267.43 were approved on motion of Councilman Pinkerton, Schaffer second.

AWARD - AUTO
RES. NO. 3703

The City Manager presented bids received for an automobile for the Fire Department as follows:

Geweke Ford	\$3,529.39
Courtesy-Lincoln Mercury	3,830.40
Sanborn Chevrolet	3,937.30

The City Manager recommended the award be made to the low bidder, Geweke Ford, for the amount of the bid.

On motion of Councilman Hughes, Pinkerton second, the Council adopted Resolution No. 3703 awarding the contract for the furnishing of the automobile to Geweke Ford for a total amount of \$3,529.39.

AWARD - CABLE
RES. NO. 3704

City Manager Graves presented bids received for 15-kv and 600-volt underground cable as follows:

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Graybar Electric	\$34,230.00
Westinghouse Electric	34,513.50
Consolidated Electric	35,378.15
Valley Electric	35,528.96
Anixter-Pruzan	35,865.90
Maydwell & Hartzell	36,544.20
G. E. Supply Company	37,153.81

The City Manager recommended the award be made to two separate bidders; Westinghouse Electric Supply Company and G. E. Supply Company. He explained that the City would realize a savings by awarding the bid to the two separate suppliers.

On motion of Councilman Hughes, Katnich second, the Council adopted Resolution No. 3704 awarding the contract for the furnishing of the aluminum cable to two separate bidders as follows: Westinghouse Electric Supply Company - \$8,385.30 and General Electric Supply Company - \$24,895.27.

NO PARKING -
PACIFIC AVE.

RES. NO. 3705

On motion of Councilman Pinkerton, Schaffer second, the City Council adopted Resolution No. 3705 establishing a "No Parking" zone on the west side of Pacific Avenue from 350 feet south of the centerline of Elm Street to 370 feet south of the centerline of Elm Street.

APPROVED
HAWAII & S.F.
INVESTMENT CO.
DEVELOPMENT

The Council approved, on motion of Councilman Katnich, Schaffer second, the improvement plans and improvement security for the Hawaii and San Francisco Investment Company Development and directed the City Manager to sign the Development Agreement and Electrical Agreement and the City Clerk to accept the offer of dedication of streets and easements on behalf of the City.

AUDIT REPORT -
1971-72

The City Manager presented the Audit Report for fiscal year 1971-72. On motion of Councilman Hughes, Schaffer second, the Council accepted the Audit Report as submitted.

MILLS AVE.
IMPROVEMENTS

At a previous Council meeting the Council requested the staff to investigate the possibility of grading and oiling the area along the west side of Mills Avenue between Colette and Elm Streets for the safety of the children walking to and from school. The City Manager reported the cost for these improvements would be approximately \$5,000. Mr. Graves said it should be made clear that the responsibility for installation of the curb, gutter, sidewalk and paving was the property owner's and not the City's. These improvements would be made at such time as the property is developed. He said, at this point, the City would be oiling the sidewalk area and this would have a limited life of approximately five years and would require a certain amount of maintenance.

The Council discussed the possibility of widening Mills Avenue in this area and, after some discussion, agreed the matter should be continued to a future meeting. On motion of Councilman Schaffer, Pinkerton second, the discussion of Mills Avenue improvements was continued to the next regular meeting and the staff was requested to give this matter further consideration.

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DOWNTOWN
UNDERGROUND
UTILITIES

RES. NO. 3706

On motion of Councilman Katnich, Pinkerton second, the Council adopted Resolution No. 3706 calling for a public hearing to determine whether an underground utility master plan shall be established encompassing the downtown area of the City of Lodi located between Church Street, Sacramento Street, Lodi Avenue and Locust Street.

The Council then, on motion of Councilman Katnich, Schaffer second, referred the above matter to the Planning Commission for recommendation.

MILLS AVE.
THROUGH STREET

RES. NO. 3707

On motion of Councilman Schaffer, Pinkerton second, the Council adopted Resolution No. 3707 establishing stop signs on Shady Acres Drive, Corbin Lane, Virginia Avenue and Vine Street at Mills Avenue.

AMEND. TO
SUBDIVISION
ORDINANCE

ORD. NO. 991
INTRODUCED

The City Manager recommended that the Subdivision Ordinance be amended to provide that any water wells located in a subdivision site shall also be shown on the tentative map and the disposition of these wells stated. He recommended that this requirement be added to the list of things necessary on a proposed tentative map. The Council agreed with this recommendation, and on motion of Councilman Schaffer, Hughes second, introduced Ordinance No. 991 amending Section 22-5(b) of the Code of the City of Lodi and thereby adding required information on Tentative Maps.

BOND FUND
REPORT

City Manager Graves stated that a report of 1965 bond issue expenditures had been prepared by Assistant City Manager Peterson and had been distributed to the City Council. He then asked Mr. Peterson to review the report for the Council. Mr. Peterson reviewed the report and stated that copies of the report had been furnished to the Chamber of Commerce office, the President of the Chamber of Commerce, City department heads and other interested persons.

USE OF STADIUM
FOR WESTERN
SHOW APPROVED

The City Manager presented a request received from the Hercules Broadcasting Company of Sacramento for use of the Stadium for an outdoor stage show. After some discussion, on motion of Councilman Schaffer, Hughes second, the Council approved the request for use of the Stadium as outlined by the City Manager.

LIBRARY SITE

City Manager Graves discussed the negotiations presently in progress with the owner of the proposed library site at the northwest corner of Church and Locust Streets. He said the owner was agreeable to sell the property to the City with the condition he retain the buildings located on the property. Also, the owner had agreed to a "buy-back" provision whereby he would repurchase the property within a year if the City wished to sell.

Mr. Leonard Lachendro, City Librarian, who was in the Audience, addressed the Council concerning the Council's previous discussion of the possibility of obtaining the

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Tokay High School property (East Campus) for the future library site. Mr. Lachendro outlined the reasons he felt the City should not consider locating the proposed library at this site.

After some discussion, Councilman Katnich moved the Council reaffirm its prior policy to proceed with negotiations to purchase the property located at the northwest corner of Church and Locust Streets to be used as a future site for the library with the understanding there would be a one-year buy-back provision in the agreement. The motion was seconded by Mayor Ehrhardt and carried.

REVENUE SHARING

Councilman Katnich asked the Council to consider appropriating a portion of funds received from revenue sharing to the Library Construction Fund.

NCPA RE PG&E RATE INCREASE

Councilman Hughes reported to the Council on the progress of Northern California Power Agency's challenge of the rate increase requested by Pacific Gas & Electric Company. He reported that Attorney George Spiegel had been retained by the six member cities directly affected by the PG&E rate increase. He said Mr. Spiegel had filed the intervention and the Federal Power Commission had ruled that a hearing must be held and suspended the effective date for the rate increase for five months. Councilman Hughes recommended the Council approve proceeding with the case as outlined by the attorney and approve the City of Lodi paying its share of costs involved in filing with the Court of Appeals. The Council approved the recommendation of Councilman Hughes as stated above, on motion of Councilman Schaffer, Katnich second.

ORDINANCES

REZONE 10 N MILLS AVE.

ORD. NO. 989 ADOPTED

ORDINANCE NO. 989, entitled, "AN ORDINANCE AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING THE EASTERLY TWO ACRES OF LOT 139, CAPELL PARK TO BE IN THE R-GA, GARDEN APARTMENT RESIDENTIAL DISTRICT," having been introduced at a regular meeting on November 15, 1972, was brought up for passage on motion of Councilman Katnich, Schaffer second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - HUGHES, KATNICH,
PINKERTON, SCHAFFER
and EHRHARDT

Noes: Councilmen - None

Absent: Councilmen - None

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WATER WELLS
ORDINANCE

ORD. NO. 990
ADOPTED

ORDINANCE NO. 990, entitled "AN ORDINANCE AMENDING THE CODE OF THE CITY OF LODI BY ADDING A NEW CHAPTER TO SAID CODE, CONCERNING THE CONSTRUCTION, RECONSTRUCTION AND DESTRUCTION OF WATER WELLS, CATHODIC PROTECTION WELLS, AND INSTALLATION OF PUMPS IN THE CITY OF LODI; PROVIDING FOR THE ISSUANCE OF PERMITS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF," having been introduced at a regular meeting on November 15, 1972, was brought up for passage on motion of Councilman Schaffer, Pinkerton second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - HUGHES, KATNICH,
PINKERTON, SCHAFER,
and EHRHARDT

Noes: Councilmen - None


Absent: Councilmen - None

ANNUAL
CONGRESS
OF CITIES

Mayor Ehrhardt reported on the 49th Annual Congress of Cities which he attended November 26 - 30 in Indianapolis.

ADJOURNMENT

There being no further business, the meeting was adjourned on motion of Councilman Katnich at approximately 10:25 p.m.

Attest: 
BESSIE L. BENNETT
City Clerk